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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA  
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10 PERCY LAVAE BACON,

11 Petitioner,

12 vs.

13 BRIAN WILLIAMS, *et al.*,

14 Respondents.  
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)  
) 2:13-cv-00717-JCM-CWH  
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**ORDER**

16 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254,  
17 by a Nevada state prisoner.

18 Petitioner has submitted a habeas petition and seeks leave to proceed *in forma pauperis*.  
19 (ECF No. 1). In addition to filing the proper affidavit of inability to pay filing fees, a prisoner  
20 seeking to proceed *in forma pauperis* “shall submit a certified copy of the trust fund account  
21 statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding  
22 the filing of the complaint . . . obtained from the appropriate official of each prison at which the  
23 prisoner is or was confined.” 28 U.S.C. § 1915(a)(1), (2). Petitioner in the instant action has failed  
24 to submit an *in forma pauperis* application that provides the necessary financial information and  
25 includes a financial certificate signed by an authorized prison or jail officer. It does not appear from  
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1 the papers presented that a dismissal without prejudice would result in a promptly-filed new petition  
2 being untimely. In this regard, petitioner at all times remains responsible for calculating the running  
3 of the federal limitation period as applied to his case, properly commencing a timely-filed federal  
4 habeas action, and properly exhausting his claims in the state courts.

5 **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITHOUT**  
6 **PREJUDICE** to the filing of a new petition in a new action, with a proper *in forma pauperis*  
7 application in compliance with 28 U.S.C. § 1915(a).


8 **IT FURTHER IS ORDERED** that the clerk of the court shall send petitioner two copies of  
9 an *in forma pauperis* application form for a prisoner, one copy of the instructions for same, two  
10 copies of a blank 28 U.S.C. § 2254 habeas corpus form, one copy of instructions for the same, and a  
11 copy of the petition (ECF No. 1-1) in this action.

12 **IT IS FURTHER ORDERED** that petitioner may file a new petition and *in forma pauperis*  
13 application in a new action, but he may not file further documents in this action.

14 **IT IS FURTHER ORDERED** that the clerk of the court shall enter judgment accordingly.

15 **IT IS FURTHER ORDERED** that petitioner is denied a certificate of appealability.

16 Dated May 2, 2013.

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18 UNITED STATES DISTRICT JUDGE  
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